

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JOE MITCHELL DORSEY,

Plaintiff,

v.

MUNICIPAL COURT ANDALUSIA, et al.,

Defendants.

CIVIL ACTION NO. 2:05-CV-1239-F

**AFFIDAVIT OF MILLARD McWHORTER, M.D.**

Before me, the undersigned notary public, in and for said County and State, personally appeared **Millard McWhorter, M.D.**, who, after first being duly sworn by me, deposes and states as follows:

1. My name is Millard McWhorter, M.D. I am over the age of 19 years and have personal knowledge of the facts contained herein.
2. I obtained my medical degree from Meharry Medical College in Nashville, Tennessee in 1981. From 1981 to 1984, I performed a residency at Morehouse Family Practice Program at Southwest Community Hospital in Atlanta, Georgia. From January 1985 to May 1986, I was in private practice in Monticello, Georgia. From June 1986 to September 1992, I was the medical director at Red Level Medical Clinic in Red Level, Alabama. During this same timeframe, I was also a consultant to the Community Mental Health First Step Clinic for Alcohol and Drug Abuse in Red Level, Alabama. From September 1987 to April 1989, I was the chief of staff and medical director at Columbia Regional Medical Center in Andalusia, Alabama. From January 1989 to December 1992, I was a physician for Spectrum Emergency Services, where I worked in emergency rooms in Georgia and Alabama. From October 1992 to December 1993, I was a staff physician for the Davis Medical Group in Huntsville, Alabama. From January 1994 to July 1999, I was the

medical director for the Central State Prison in Macon, Georgia. From October 1999 to July 2001, I was the medical director for Fountain/Holman Correctional Facilities in Atmore, Alabama. From February 2002 to the present, I have been employed by Southern Health Partners, Inc. ("SHP") as the medical director of the Covington County Jail in Andalusia, Alabama, and I have also been in private practice in Andalusia, Alabama.

3. I am licensed to practice medicine in the State of Alabama and have been so since 1986. I am also licensed to practice medicine in the states of Georgia and Tennessee.

4. SHP provides medical care to inmates in various jail facilities, including the Covington County Jail. During the entire time of plaintiff's incarceration in the Covington County Jail, health care services have been provided to the inmates by SHP pursuant to a contract between SHP and the Covington County Commission. Health care in the jail is provided under the direction of a medical team administrator as well as a medical director. During the period complained of by the plaintiff in this action, I was the medical director in the jail and Annette Cain was the medical team administrator.

5. When an inmate in the jail requires routine medical care, he or she obtains an inmate sick call slip from the corrections officer on duty in the housing unit and that form is provided to the medical staff for action. Routine sick calls are conducted by the medical staff inside the housing unit.

6. As I understand the plaintiff's complaint in this case, the plaintiff alleges that Annette Cain denied him medical attention upon his return to the jail from Andalusia Regional Hospital ("ARH") after being treated at ARH for complaints of pain arising out of a fall down some stairs.

7. I have reviewed SHP's medical chart concerning the plaintiff.

8. On December 6, 2005, the plaintiff was booked into the Covington County Jail. On December 8, 2005, the plaintiff completed a medical screening form, wherein he mentioned a history

of heart condition, mental health problems, ulcers and daily drug use.

9. On December 24, 2005, correction officers transferred the plaintiff to ARH arising out of the plaintiff's complaints of pain associated with a fall down some stairs. Upon his return to the jail, the plaintiff complained of general back pain.

10. On December 25, 2005, I ordered that the patient receive 800 mgs. of ibuprofen twice a day for seven days for his back pain.

11. On January 4, 2006, I saw the plaintiff in followup to his visit to ARH. The plaintiff complained that he had injured his lower back falling down stairs. I assessed the plaintiff as having a back contusion and ordered that he continue taking the medication (ibuprofen) he was currently taking for back pain.


12. Based upon my review of his chart, the plaintiff never completed a sick call slip for any problems related to any injury suffered from his fall down the stairs. In fact, the plaintiff has not completed any sick call slips requesting any medical attention or treatment since being booked into the jail.

13. Upon review of the plaintiff's medication administration record, he refused to take his morning dosage of ibuprofen on December 25, December 26, December 29, December 30, January 2 and January 3, 2005. He also refused to take his evening dose of ibuprofen on December 27, 2005.

14. All of the information contained herein is based upon my personal knowledge and the plaintiff's medical chart.

15. All necessary care provided to the plaintiff was appropriate, timely and within the standard of care.

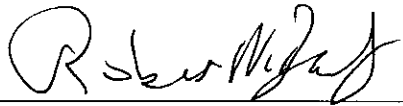
16. On no occasion was the plaintiff ever at risk of serious harm, nor was Annette Cain or any member of the medical staff ever indifferent to any complaint that he made.

  
Millard McWhorter, M.D.

STATE OF ALABAMA                    )  
COUNTY OF Madison            )

I, the undersigned Notary Public in and for said county in said state, hereby certify that Millard McWhorter, whose name is signed to the foregoing and who is known to me, acknowledged before me that, being fully informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND and official seal on this the 3 day of March, 2006.

  
Notary Public  
My Commission Expires: 10-3-2007